

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, OCTOBER 3, 2013 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 David Whitcomb
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Meg McMullen Reston
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 2 David Winter

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Public Hearing: Public Hearing on the 2013 Comprehensive Plan

Mayor Polimeni opened the public hearing at 7:01 PM. No one was present to speak to the 2013 Comprehensive Plan. Mayor Polimeni closed the public hearing at 7:05 PM

Review Core Values: Councilmember-at-Large Taylor read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of September 5, 2013. Councilmember-at-Large Taylor seconded the motion.
Vote Result: Carried unanimously by voice vote

Recognition of Guests: No one present to speak

Committee Reports:

Environmental: Councilmember-at-Large Reston reported that the Environmental Committee met on September 12th, and discussed the following:

- Special Events:

- Baker Football
- Christkindl Downtown
- Northeast Park
- Dog Park

Ordinance: Councilmember, Ward 1 Whitcomb reported that the Ordinance Committee met on September 17th, and discussed the following:

- Rental Registration – this ordinance will be left on the table to be discussed at the committee level
- Parking at Pier for Slip Owners/Renters
- Niagara Street Parking Lot
- Main St. Crosswalks
- Smoking Ban

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on September 24th, and discussed the following:

Minutes – Attachment 14A

Agenda:

- Cake Biosolids Hauling Bid
- IT Needs Assessment
- Fire Truck Refurbishment Bid
- Main Street Update
- 2014 Draft Budget
- Clerk-Treasurer Fees
- Rental Registration Fees
- Steamboat Landing Support Letter
- Confidentiality Agreement with developers of the North Shore Project

Planning: Councilmember, Ward 4 Wade reported that the Planning Committee met on October 1st and discussed the following:

Minutes – Attachment 14B

- Comprehensive Plan Review

PUD - No Meeting

Chamber of Commerce – Alison Grems, Director of the Chamber reported on events and activities for the Chamber.

Business Improvement District – Katherine Nevin, Manager of the Business Improvement District spoke about upcoming events. Visit WWW.downtowncanandaigua.com or call (585) 396-0300 for the latest updates and details.

Resolutions:

Resolution #2013-068:

Councilmember-at-Large Reston read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

**A RESOLUTION AUTHORIZING SPECIAL EVENTS
'*Baker Football Game*' & '*Christkindl Downtown*'**

WHEREAS, the City Council of the City of Canandaigua has received the following applications for special events in the City of Canandaigua:

- ▶ **'*Baker Football Game*'**
 - Date: October 18, 2013
 - Location: Jefferson Park
 - Time: 4 p.m. – 10 p.m.
 - Coordinator: Deven York
 - Purpose: Chance for Children to Play on Lighted Fields
 - Expected Number of Participants: 400

- ▶ **'*Christkindl Downtown*'**
 - Date: November 8-10, 2013
 - Location: Canandaigua BID
 - Time: 1 p.m.-8 p.m. (Fri), 10 a.m.-8 p.m. (Sat), 10 a.m.-5 p.m. (Sun)
 - Coordinator: Katherine Nevin
 - Purpose: Promote Downtown
 - Expected Number of Participants: 5,000 + over three days

WHEREAS, these requests were reviewed and approved at the September 10, 2013 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special events at the time and locations listed; and

BE IT FURTHER RESOLVED that the organizers of the Special Events shall adhere to any regulations that the City Manager or the City Police Department shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

Vote Result: Carried unanimously by voice vote.

Resolution #2013-069:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

**A RESOLUTION AWARDING CAKE BIOSOLIDS HAULING
FOR THE WASTE WATER TREATMENT FACILITY**

WHEREAS, the City of Canandaigua opened bids for the hauling of cake biosolids from the Waste Water Treatment Facility (WWTF) on August 22, 2013 with two bidders participating; and

WHEREAS, the low bid was submitted by WeCare Waste & Recycling, PO Box 1300, Weedsport, NY 13166; and

WHEREAS, funding for this service is included in the 2013 Waste Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to We Care Waste & Recycling to haul cake biosolids from the WWTF;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with WeCare Waste & Recycling, PO Box 1300, Weedsport, NY 13166 for the hauling of cake biosolids from the WWTF at a unit price of \$14.83/ton.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: None.

Resolution #2013-070:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

**A RESOLUTION AWARDING A CONTRACT TO
REPAIR AND REFURBISH ENGINE 211**

WHEREAS, Engine 211 which was purchased in 2004 was to be recommended for refurbishment in the 2014 budget which would extend the service life another 10 years; and

WHEREAS, Engine 211 sustained significant body damage in May while responding to an emergency call; and

WHEREAS, it is recommended by the Fire Chief that the repair and refurbishment be combined into one project to reduce the expense and reduce the amount of time the apparatus is out of service; and

WHEREAS, the City of Canandaigua sent out bids to four qualified potential bidders for the repair and refurbishment of Engine 211 which were opened on September 19, 2013 with one bidder participating; and

WHEREAS, the only bid was submitted by Colden Enterprises, 750 Ontario St, Kenmore, NY 14217 in the amount of \$99,500; and

WHEREAS, funding for this project will come from Insurance proceeds and the Insurance Reserve Fund in the amount of \$17,253 and Capital Reserves in the amount of \$82,247; and

WHEREAS, the Fire Chief and the City Manager recommend the contract be awarded to Colden Enterprises for the repair and refurbishment of Engine 211; and

WHEREAS, the Finance Committee endorsed this contract for repair and refurbishment of Engine 211 at its September 24, 2013 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Colden Enterprises, 750 Ontario St., Kenmore, NY 14217 for the repair and refurbishment of Engine 211 in an amount not to exceed \$99,500; and

BE IT FURTHER RESOLVED that the Capital Fund be amended in the amount of \$99,500 with an offsetting interfund transfer from the Capital Reserve in the amount of \$82,247, revenue from insurance proceeds in the amount of \$16,253 and an interfund transfer from the Insurance Reserve in the amount of \$1,000 for the deductible.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: None.

Resolution #2013-071:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION AUTHORIZING A CONTRACT FOR AN INFORMATION
MANAGEMENT NEEDS ASSESSMENT**

WHEREAS, the City of Canandaigua requested proposals for an Information Management Needs Assessment to examine and evaluate information management capabilities and needs across all City departments; and

WHEREAS, the result of such needs assessment will enable the City to better manage records, infrastructure, facilities, and services to the public through the introduction and effective integration of information software and GIS; and

WHEREAS, the City of Canandaigua received four Requests for Qualifications; and

WHEREAS, the City conducted interviews with three firms which we received cost proposals from; and

WHEREAS, the City Manager requests that a contract be awarded to Access Systems, 4260 Henneberry Road, Manilus, NY 13104 in an amount not to exceed \$23,000; and

WHEREAS, funding for this contract is to be paid out of appropriated fund balance in the Technology Fund; and

WHEREAS, the Finance Committee endorsed this contract for an Information Technology Needs Assessment at its September 24, 2013 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a contract with Access Systems, 4260 Henneberry Road, Manilus, NY 13104 for an Information Management Needs Assessment in an amount not to exceed \$23,000; and

BE IT FURTHER RESOLVED that the Technology Fund will be amended in the amount of \$23,000 which is to be appropriated from Fund Balance.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: None.

Resolution #2013-072:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

A RESOLUTION REQUESTING MUNICIPAL HOME RULE FROM THE NEW YORK STATE LEGISLATURE TO ALLOW THE CITY OF CANANDAIGUA TO CHARGE FEES OF UP TO THIRTY DOLLARS FOR COPIES OF VITAL RECORDS UNDER NY PUBLIC HEALTH LAW §4173

WHEREAS, pursuant to Public Health Law §4174, the State of New York currently charges thirty dollars (\$30) for producing certified copies of birth and death certificates to those individuals who were born or die in New York State; and

WHEREAS, pursuant to Public Health Law §4173, currently Monroe County, Onondaga County, Chemung County, Tompkins County and the City of Oswego have received home rule legislation allowing them to charge up to the amount received by the New York Commissioner of Health pursuant to law for producing certified copies of birth and death certificates, as well as ancillary services including priority handling, internet and telephone orders to those individuals who were born or die within their respective municipalities; and

WHEREAS, the City of Canandaigua, pursuant to Municipal Home Rule Law §40, desires the enactment of home rule legislation allowing them to charge up to the amount received by the New York State Commissioner of Health pursuant to law for producing certified copies of birth and death certificates as well as ancillary services including priority handling, internet and telephone orders to those individuals who were born or die within the City of Canandaigua.

NOW THEREFORE BE IT RESOLVED, that the City Manager be, and he hereby is, authorized and directed to request home rule legislation from New York State Senator, Michael F. Nozzolio, and New York State Assemblyman, Brian M. Kolb, related to the above referenced matter.

The motion CARRIED on the following vote:

AYES: Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: Councilmember Ward 1 Whitcomb.

Ordinances:

Ordinance #2013-009: *(Introduced and tabled at the September 5th Council meeting)*

Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

AN ORDINANCE CREATING CHAPTER 560 OF THE MUNICIPAL CODE, "RENTAL REGISTRATION HOUSING LAW"

Councilmember Ward 3 White moved to lift this from the table. Councilmember Ward 4 Wade seconded the motion

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The motion FAILED on the following vote:

AYES: Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci and Councilmember-at-Large Terwilliger.

NOES: Councilmember Ward 1 Whitcomb, Councilmember-at-Large Taylor, Councilmember-at-Large Reston and Mayor Polimeni.

This ordinance remains on the table.

Ordinance #2013-010:

Councilmember Ward 3 White read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 519 OF THE MUNICIPAL CODE
TO PROHIBIT SMOKING AND THE USE OF TOBACCO NEAR CITY
PLAYGROUNDS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That section 519-7 be amended to read as follows [deletions stricken, additions underlined]:

§519-7. Disorderly Conduct

A. No person shall disturb the peace and good order in any park by fighting, quarreling, or wrangling with loud voices or shouts, threatening by violence to the person or property of others, or engaging in riotous clamor or tumult.

B. No person shall congregate with other persons in a public place and refuse to comply with a lawful order of the Police, Park Patrol or the Director of Public Works to disperse or leave the park.

C. No person shall have or carry any firearms, switchblade, hunting knife, slingshot, dagger, metal knuckles, or other dangerous weapons concealed on or about his person while in the park.

D. No person shall use obscene, profane or abusive language while in the park.

E. No person shall appear nude in public or dress, or undress, other than in facilities provided therefor; enter or remain in an area or facility in such attire as may be prohibited by sign; or bathe in other than a bathing suit safe and suitable for such purpose.

F. No person shall operate a skateboard, scooter or bicycle within The Commons.

G. No person shall operate a skateboard, scooter, bicycle, or rollerblades on any tennis court or basketball court in any City park.

H. No person shall smoke cigarettes, cigars, pipes, or use any other form of tobacco, in, on, or within 100 feet of, any playground in all City Parks and in the Kershaw Swim Beach area.

Sec. 2 This Ordinance shall be effective thirty (30) days following its enactment.

Local Law: None

Bills: Councilmember-at-Large Terwilliger reviewed the bills paid for September

Manager's Report:

City Manager David R. Forrest reported the following:

- Alerted residents about a new parking plan which can be found on the City's website at [Downtown Parking Map](#)
- Council meetings can now be viewed online at <https://vimeo.com/channels/588680>
- Loose Leaves for the month of November only may be placed on the grassy area between the sidewalk and curb/pavement edge only. **DO NOT** rake leaves into the street or mix in rocks, sticks, or litter.

Miscellaneous:

Mayor Polimeni asked each Councilmembers to talk about any personal observations or comments.

Councilmember-at-Large Taylor moved to nominate Anne Beyer to the Planning Commission. Councilmember-at-Large Reston seconded the motion.

Vote Result: Carried unanimously by voice vote.

Regular Session:

Councilmember-at-Large Reston moved to adjourn the regular session at 8:25 PM. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer